

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ROBERT P. DIGIACOMO,

Plaintiff,

v.

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Defendant.

HONORABLE JOSEPH E. IRENAS

CIVIL ACTION NO. 06-CV-4558
(JEI)

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT
(Docket No. 13)**

APPEARANCES:

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Attorneys for Plaintiff

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Attorneys for Defendant

IRENAS, Senior District Judge:

This matter having appeared before the Court upon Defendant the Prudential Insurance Company of America's ("Prudential") motion for summary judgment (Docket No. 13), the Court having considered the submissions of the parties, for the reasons set forth in an Opinion issued by this Court on even date herewith, and for good cause appearing;

IT IS on this 10th day of August, 2007,

ORDERED THAT:

1. Prudential's motion for summary judgment is hereby **GRANTED** as to DiGiacomo's ERISA claim.
2. Prudential's motion for summary judgment is hereby **DENIED** as to Prudential's counterclaim.

s/ Joseph E. Irenas

JOSEPH E. IRENAS, S.U.S.D.J.